

APPLICANT(S): GINZBURG, Boris et al.  
SERIAL NO.: 10/729,940  
FILED: December 9, 2003  
Page 9

### **REMARKS**

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

### **Status of Claims**

Claims **1, 5-7, 12-15, 19-23, 27-30, 34 and 35** are pending in the application.

Claims **5-7, 14-15, 22-23, 29-30, and 35** have been objected to.

Claims **1, 12, 13, 19, 20, 27, 28 and 34** have been rejected.

Claims **5, 6, 13-15, 19, 20, 23, 28, 29, 30 and 35** have been amended.

Claims **1, 12, 21, 22, 27 and 34** have been canceled without prejudice. In making this cancellation without prejudice, Applicants reserve all rights in these claims to file divisional and/or continuation patent applications.

### **Allowable Subject Matter**

Applicants wish to thank the Examiner for indicating that claims 5-7, 14-15, 22-23, 29-30, and 35 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 5, 14, 15, 29, 30 and 35 have been rewritten in independent form including all the elements of the base claim.

### **Claim Objections**

In the Office Action, the Examiner objected to claims 1, 6, 12-15, 19-23, 27-30, 34 and 35 because of alleged informalities.

APPLICANT(S): GINZBURG, Boris et al.  
SERIAL NO.: 10/729,940  
FILED: December 9, 2003  
Page 10

Claims 1, 12, 21, 22, 27 and 34 were cancelled without prejudice, thus rendering moot the objections. Claims 6, 13-15, 19, 20, 23, 28-30 and 35 have been amended in order to cure these informalities.

The Examiner suggested in the objection that the words "a processor" in claims 12 and 19 and their dependent claims should be replaced with the phrase "a computer readable medium encoded with computer executable instructions". Applicants thank the Examiner for his suggestion, which based on our understanding covers processors and other equivalent devices, and have amended accordingly claims 14 and 15, which have been rewritten in independent form to incorporate the limitations of cancelled claim 12, and further in claims 19, 23, 29 and 30 accordingly.

In the objection, the Examiner pointed out that claims 12-15 and 19-23 are duplicate in nature. Applicants have clarified the difference between claim 19 and claim 12, and removed duplication, by making claim 19 dependent on claim 12 and thus showing the added element it has over claim 12. Applicants also cancelled claim 22 without prejudice or disclaimer.

The examiner further pointed out that claims 20 and 21 do not make sense. The error that occurred due to a misnumbering of the claims is now moot due to the cancellation of claim 21.

Applicants point out that part of the objection to claim 34 regarding removing "instructions when" in line 9 is moot as these words were removed in the previous amendment.

Accordingly, Applicants request withdrawal of the objections to remaining claims 6, 13-15, 19, 20, 23, 28-30 and 35.

### **CLAIM REJECTIONS**

#### **35 U.S.C. § 112 Rejections**

In the Office Action, the Examiner rejected claims 5, 12, 19, 27 and 35 under 35 U.S.C. § 112 Second Paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

APPLICANT(S): GINZBURG, Boris et al.  
SERIAL NO.: 10/729,940  
FILED: December 9, 2003  
Page 11

The Examiner indicated that claims 5-7, 14-15, 22-23, 29-30, and 35 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 5 and 35 have been rewritten in independent form to include the limitations of their base claims and any intervening claims, in accordance with the Examiner's suggestion and are now allowable.

Claims 12 and 27 have been cancelled without prejudice, thus rendering their rejection moot.

Claim 19 was amended to depend directly from independent claim 14, and includes the limitations of claim 14 from which it depends, and is therefore likewise allowable.

Therefore, it is respectfully submitted that claims 5, 35 and 19 are patentable, and thus allowable, at least for the reasons set forth above.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 5, and 27 and 35 under 35 U.S.C. § 112 Second Paragraph.

### **35 U.S.C. § 102 Rejections**

Further, in the Office Action the Examiner rejected claims 1, 12, 13, 19, 20, 27, 28 and 34 under 35 U.S.C. § 102(e), as being anticipated by Moutarlier (US 2004/0028072).

As indicated by the Examiner, claims 5-7, 14-15, 22-23, 29-30, and 35 would be allowable if rewritten in independent form.

Claims 5, 14, 15, 29, 30 and 35 have been rewritten in independent form incorporating their base claim and any intervening claims, as suggested by the Examiner, and have been amended to overcome the Examiner's objections as outlined above. Therefore these claims are now allowable.

Claims 1, 12, 27 and 34 have been canceled without prejudice, thus rendering their rejection moot.

Each of dependent claims 13, 19 and 28 were amended to depend, directly or indirectly from one of independent claims 14 and 29 and includes the limitations of

APPLICANT(S): GINZBURG, Boris et al.  
SERIAL NO.: 10/729,940  
FILED: December 9, 2003  
Page 12

the claim from which it depends. Thus, claims 13, 19 and 28 should be allowed at least for the reason of being dependent on an allowable base claim

Therefore, it is respectfully submitted that claims 13, 19, 20 and 28 are patentable, and thus allowable, at least for the reasons set forth above.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 13, 19, 20 and 28 under 35 U.S.C. § 102(e).

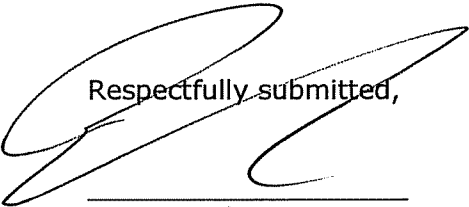
### CONCLUSION

In view of the foregoing amendments and remarks, the pending claims as amended are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,

  
\_\_\_\_\_  
Zeev Pearl  
Attorney/Agent for Applicant(s)  
Registration No. 60,234

Dated: March 20, 2008

**Pearl Cohen Zedek Latzer, LLP**  
1500 Broadway, 12th Floor  
New York, New York 10036  
Tel: (646) 878-0800  
Fax: (646) 878-0801